



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment Reserved on: 25.08.2026***
Judgment Delivered on: 03.09.2026

CNR No. DLHC010880662025

+ **LPA 680/2025 & CM APPL. 69961/2025**

GLOBAL AVIANAUTICS LIMITEDAppellant

versus

**DIRECTORATE GENERAL OF CIVIL AVIATION
& ORS.**Respondents

Advocates who appeared in this case

For the Appellant : Mr. Amit Rawal, Senior Advocate
with Mr. Prateek Rathee, Mr. Bajaj
and Ms. Rishika, Advocates.

For the Respondents : Ms. Anjana Gosain, Senior Panel
Counsel, Mr. Govil Upadhyaya,
Government Pleader and Ms. Akansha
Choudhary, Advocates for
Respondent Nos. 1 and 2.
Mr. Saurabh Kumar, Assistant
Director, DGCA.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA



JUDGMENT

TEJAS KARIA, J

CM APPL Nos. 69964/2025, 69965/2025 & 69966/2025 (Exemptions)

1. Exemptions are allowed, subject to all just exceptions.
2. The Applications stand disposed of.

CM APPL. 69962/2025 (Condonation of delay in filing the Appeal)

3. This is an Application filed on behalf of the Appellant under Section 5 of the Limitation Act, 1963 (“**Limitation Act**”) seeking condonation of delay in filing the present Appeal.
4. Having regard to the submissions made on behalf of learned Senior Counsel for the Appellant and learned Counsel for the Respondents and considering the averments raised in the Application, the same is allowed. The delay of 468 days in filing the present Appeal is hereby condoned.
5. The Application stands disposed of.

CM APPL. 7208/2026 (Condonation of delay in filing the Reply)

6. This is an Application filed on behalf of Respondent Nos. 1 and 2 under Section 5 of the Limitation Act seeking condonation of delay in filing the Reply to the present Appeal.
7. Having regard to the submissions made on behalf of learned Counsel for Respondent Nos. 1 and 2 and learned Senior Counsel for the Appellant, and considering the averments raised in the Application, the same is allowed. The delay of 48 days in filing the Reply to the present Appeal is hereby condoned.
8. The Application stands disposed of.



CM APPL. 69963/2025, CM APPL. 28411/2026 & CM APPL. 36014/2026
(Additional Documents)

9. These Applications have been preferred on behalf of the Appellant seeking leave to place on record certain additional documents, namely Annexures A-38 to A-53 appended to CM APPL. 69963/2025, Annexures A-1 to A-4 appended to CM APPL. 28411/2026, and Annexures A-1 to A-4 appended to CM APPL. 36014/2026.

10. Having heard learned Counsel for Respondent Nos. 1 and 2, learned Senior Counsel for the Appellant and upon perusal of the averments made in the Applications, the Applications are allowed. The additional documents, namely Annexures A-38 to A-53 appended to CM APPL. 69963/2025, Annexures A-1 to A-4 appended to CM APPL. 28411/2026, and Annexures A-1 to A-4 appended to CM APPL. 36014/2026, are taken on record.

11. Accordingly, the Applications stand disposed of.

LPA 680/2025

INTRODUCTION

12. The present *intra court* Appeal has been filed assailing the order dated 26.07.2024 (“**Impugned Judgment**”) passed in W.P.(C) 3432/2024 titled as ‘*Himanshu and Ors. v. Directorate General of Civil Aviation & Anr.*’ (“**Writ Petition**”) filed by the Appellant and Respondent Nos. 3 to 6.

13. Learned Single Judge disposed of the Writ Petition observing that no ground was found to intervene with the communication dated 26.02.2024 bearing No. AV-22011/14/2016 (Part) (“**Communication**”), issued by the Directorate of Flying Training (“**DFT**”) on behalf of Respondent No. 1 / Directorate General of Civil Aviation (“**DGCA**”), by which the Pipistrel



VIRUS SW 121 aircraft (“**Pipistrel**”), forming part of the fleet of the Government Aviation Training Institute (“**GATI**”), was classified as a Light Sport Aircraft (“**LSA**”).

FACTUAL MATRIX

14. The factual matrix leading to the filing of the present Appeal is set out hereunder:

- 14.1. On 21.07.2007, the Appellant was declared successful in the bid floated by the Government of Orissa for the development of GATI into an aviation academy. Pursuant thereto, a Lease-Develop-Operate Agreement dated 03.11.2008 (“**LDO Agreement**”) was executed among the Appellant, the Government of Orissa, *M/s Ahmedabad Aviation and Aeronautics Limited* for the development, operation and management of GATI.
- 14.2. On 18.04.2016, the European Union Aviation Safety Agency (“**EASA**”) granted Type Certification to the Pipistrel, as reflected in EASA Type Certificate Data Sheet No. EASA.A.573 Issue 03 dated 12.03.2018 (“**TCDS**”). The certification basis employed was the Certification Specifications for LSA (“**CS-LSA**”).
- 14.3. By communication dated 09.10.2018, the Aircraft Engineering Directorate of the DGCA sought the views of the Directorate of Airworthiness on the type acceptance of the Pipistrel, noting that EASA had described the aircraft as holding a “*normal Certificate of Airworthiness in Europe*”.
- 14.4. By letter bearing No. 7-43/2018-AED dated 29.11.2019 (“**Acceptance Letter**”), the DGCA accepted the Type



Certification granted by EASA in respect of the Pipistrel, in accordance with the Civil Aviation Requirements (“**CAR**”), Section 6, Series A, Part II.

- 14.5. GATI, *vide* e-mail dated 13.07.2020, sought clarification from the DGCA as to whether the Pipistrel had been type certified in the LSA category. The DGCA, by e-mail dated 16.07.2020 (“**Clarification E-mail**”), responded that it had type accepted the Pipistrel in accordance with CAR, Section 6, Series A, Part II, and that, as per the TCDS, the aircraft was type certificated under the “*Normal*” Airworthiness category, with CS-LSA being the certification basis adopted.
- 14.6. The DGCA granted in-principle approval for import of two Pipistrel aircraft on 23.03.2021, followed by issuance of a No-Objection Certificate dated 12.04.2021. Between 01.06.2021 and 09.07.2021, GATI imported the two Pipistrel aircraft from Slovenia, which were thereafter registered with the DGCA under Registration Marks VT-DPA and VT-DPB, respectively.
- 14.7. On 07.07.2021 and 14.09.2021, the DGCA and EASA entered a Working Arrangement (“**Working Arrangement**”). Clause 3.2(a) thereof provides that an EASA Type Certificate or Restricted Type Certificate is to be accepted by the DGCA through issuance of a Letter of Type Acceptance under CAR, Section 6, Series A, Part II. Clause 5.3 of the Working Arrangement further provides that the DGCA would determine compliance with the EASA type-certification basis and



environmental protection requirements with reference to EASA's acceptable means of compliance and guidance material.

- 14.8. The DGCA approved the maintenance plan for the two Pipistrel aircraft on 06.06.2022. Thereafter, on 17.08.2022, GATI submitted Issue 1 Revision 7 of its Training and Procedures Manual (“**TPM**”) to the DGCA for inclusion of the first Pipistrel aircraft.
- 14.9. On 18.08.2022, the DGCA issued a Certificate of Airworthiness (“**CoA**”) in respect of VT-DPA, recording its Category as “*Normal*” and its Sub-Division as “*Passengers*”.
- 14.10. The DGCA approved Issue 1 Revision 7 of the TPM on 05.09.2022. On 22.09.2022, the DFT published the list of DGCA-approved Flying Training Organisations (“**FTO**”) as on 31.08.2022 (“**2022 FTO List**”), wherein GATI was shown at Serial No. 13 without Pipistrel aircraft being reflected in its fleet.
- 14.11. On 28.10.2022, the DGCA issued a CoA in respect of VT-DPB, similarly recording its Category as “*Normal*” and its Sub-Division as “*Passengers*”.
- 14.12. GATI submitted Issue 1 Revision 8 of the TPM on 31.10.2022, seeking inclusion of the second Pipistrel aircraft, which was approved by the DGCA on 16.11.2022.
- 14.13. On 20.12.2022, the DGCA issued Certificate of Approval No. 10/2016, recognising GATI as an FTO valid until 27.12.2027, with the scope of approval covering “*Aeroplanes – Upto PPL, CPL, IR, AFIR, FIR and Extension of Aircraft Ratings – Single Engine and Multi Engine*”.



- 14.14. On 10.05.2023, the DGCA forwarded to GATI its report containing the observations recorded during the Annual Surveillance conducted between 08.05.2023 and 10.05.2023 under CAR, Section 7, Series D, Part I.
- 14.15. On 26.05.2023, the DFT published the list of FTOs as on 08.05.2023 (“**2023 FTO List**”), wherein the two Pipistrel aircraft were shown against GATI’s fleet as belonging to the LSA category.
- 14.16. By letter dated 04.07.2023, GATI called upon the DGCA to correct the 2023 FTO List, contending that the Pipistrel had earlier been certified as an aircraft falling within the “*Normal*” category and had erroneously been reflected therein as an LSA. Between 07.07.2023 and 15.02.2024, GATI addressed further communications to various Directorates of the DGCA and to the Ministry of Civil Aviation (“**MCA**”) in this regard.
- 14.17. By communication dated 02.08.2023, EASA informed the DGCA that the Pipistrel was categorised as an aircraft falling within the “*Normal*” category and not as an LSA, and that the adoption of CS-LSA as the certification basis ought not to give rise to any confusion in that regard. EASA accordingly requested the DGCA to correct the categorisation reflected on its website so as to ensure consistency with the International Civil Aviation Organisation / Convention on International Civil Aviation, 1944 (“**Chicago Convention**”).



- 14.18. By communications dated 10.08.2023 and 09.10.2023, GATI reiterated its stand that the Pipistrel was an aircraft falling within the “*Normal*” category and stated that EASA had accepted the Pipistrel for training towards the grant of a Commercial Pilot’s Licence (“**CPL**”).
- 14.19. By communication dated 14.08.2023, GATI drew the DGCA’s attention to the pendency of the licence applications submitted by more than five of its student Pilots.
- 14.20. By communications dated 20.09.2023 and 21.09.2023, GATI recorded that a meeting scheduled with EASA had been postponed without intimation to it, and further asserted that the reclassification of the Pipistrel from the “*Normal*” category to LSA had been effected unilaterally and contrary to the protocol agreed between the DGCA and EASA.
- 14.21. By communication dated 11.10.2023 addressed to the DFT and to the officer who had signed the CoA, GATI set out the provisions of Indian law on the basis of which, according to it, the Pipistrel could not have been classified as an LSA.
- 14.22. *Vide* communication dated 14.11.2023, GATI objected to a comparison drawn by the DFT with aircraft forming part of the fleet of another FTO, contending that those aircraft belonged to the LSA category and held a Special Certificate of Airworthiness (“**SCoA**”), whereas the Pipistrel belonged to the “*Normal*” category and held a CoA.



- 14.23. Respondent Nos. 3 to 5, being student Pilots who had undergone training at GATI, submitted applications dated 29.11.2023 and 03.12.2023 (“**Applications**”) for grant of a CPL through the DGCA’s e-GCA portal. Queries were raised by the DGCA between 11.12.2023 and 16.01.2024, to which responses were submitted between 13.12.2023 and 17.01.2024.
- 14.24. A meeting was held between officials of the DGCA and representatives of GATI on 27.12.2023. Pursuant thereto, GATI forwarded further documents on 29.12.2023, on which date the DGCA also endorsed the Pipistrel on the CPL of one GATI Pilot.
- 14.25. An Expert Committee recorded its opinion on the issues raised by GATI on 10.01.2024. GATI thereafter filed applications under the Right to Information Act, 2005 (“**RTI Act**”), on 07.02.2024 and 12.02.2024, and issued a legal notice dated 09.02.2024 to the DGCA.
- 14.26. By the Communication, the DGCA classified the Pipistrel forming part of GATI’s fleet as an LSA. The DGCA thereafter declined to issue CPLs to Respondent Nos. 3 to 5 *vide* orders dated 27.02.2024 and 28.02.2024 (“**Rejection Orders**”).
- 14.27. Aggrieved by the Communication and the Rejection Orders, the Appellant, GATI and Respondent Nos. 3 to 5 instituted the Writ Petition on 02.03.2024. On 06.03.2024, learned Single Judge issued notice in the Writ Petition and recorded the statement of the petitioners therein that the Communication reclassifying the Pipistrel as an LSA would deprive students trained on the aircraft



of a CPL and that the same had been issued without following the procedure prescribed under the Aircraft Rules, 1937 (“**Rules**”).

14.28. During the pendency of the Writ Petition, the petitioners therein filed LPA 254/2024 assailing the order dated 06.03.2024 passed by learned Single Judge. The said appeal was dismissed *vide* order dated 01.04.2024, observing that the appellants’ contention that the DGCA had changed the classification of the Pipistrel from “*Normal*” to LSA *vide* the Communication was misconceived, since the Communication merely responded to objections against the 2023 FTO List. It was further observed that the order dated 06.03.2024 was interim in nature, caused no prejudice, left all rights and contentions open, and that learned Single Judge was expected to endeavour to decide the Writ Petition itself on the next date of hearing.

14.29. By the Impugned Judgment, the Writ Petition was disposed of upon observing that the LSA classification had been publicised since September 2022 and had consistently been within GATI’s knowledge, including from the DGCA’s Clarification E-mail, and that, independently, flying experience acquired on an LSA was not reckonable towards the grant of a CPL. It was further held that the classification constituted a valid exercise of the DGCA’s statutory power under Section 5A of the Aircraft Act, 1934, now Bharatiya Vayuyan Adhiniyam, 2024 (“**Act**”), to classify and periodically reassess aircraft, and that, since CPL eligibility involved considerations of public safety best left to an expert body, judicial



restraint was warranted in the absence of a clear demonstration of arbitrariness.

- 14.30. By e-mail dated 06.09.2024, GATI sought a meeting with the Secretary, MCA, regarding the classification of the Pipistrel and the operational difficulties arising therefrom. By e-mail dated 07.10.2024, GATI addressed the Deputy Secretary, MCA, forwarding its earlier correspondence on the subject.
- 14.31. GATI submitted a detailed representation dated 16.12.2024 to the MCA, setting out what it described as contradictions in the process by which the Pipistrel had come to be classified as an LSA.
- 14.32. By order dated 24.12.2024, the MCA, upon considering a representation submitted by the student Pilots of GATI seeking reconsideration of the classification and recognition of their accumulated flying hours towards the grant of CPLs, directed the DGCA to constitute a Committee to examine the issue and submit its report within twenty days.
- 14.33. By e-mail dated 02.01.2025, GATI reiterated before the DGCA its objections to the basis on which the Pipistrel had been classified as an LSA, placing reliance upon the Working Arrangement.
- 14.34. The Committee constituted by the DGCA pursuant to the MCA's order dated 24.12.2024 submitted its report on 31.01.2025. GATI thereafter continued to correspond with the DGCA and the MCA on the issue until 20.03.2025.
- 14.35. GATI filed applications dated 22.05.2025 and 23.05.2025 under the RTI Act, seeking the basis on which the Pipistrel had been



classified as an LSA. In response to the application dated 22.05.2025, the DFT furnished its reply dated 20.06.2025 and permitted inspection of the relevant files on 30.06.2025.

14.36. By e-mail dated 27.05.2025, GATI addressed certain queries to EASA regarding the classification of the Pipistrel, to which EASA responded on the same day. GATI thereafter continued to pursue administrative remedies, including a meeting with the DGCA, until August 2025, without resolution.

14.37. By notice dated 03.10.2025, the Government of Odisha terminated the LDO Agreement, citing the grounding of GATI's Pipistrel consequent upon the actions of the DGCA. The said termination is the subject matter of separate proceedings instituted by the Appellant.

14.38. Aggrieved by the Impugned Judgment, the Appellant has preferred the present Appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANT

15. Mr. Amit Rawal, learned Senior Counsel appearing on behalf of the Appellant made the following submissions:

15.1. The Impugned Judgment proceeds on an erroneous appreciation of both the facts and the applicable statutory and regulatory framework. Learned Single Judge proceeded on the assumption that the Pipistrel had consistently been classified as LSA and that the Appellant had been aware of such classification from September, 2022. Both of the said assumptions are contrary to the record.



- 15.2. The Pipistrel received Type Certification from EASA under the “*Normal*” airworthiness category. Although CS-LSA was adopted as the certification basis, the said certification specification was distinct from the airworthiness category assigned to the aircraft. The certification basis adopted for an aircraft cannot be equated with its airworthiness classification.
- 15.3. In the DGCA’s Clarification E-mail, the DGCA had itself stated that the aircraft was “*type certificated under the ‘Normal’ Airworthiness category*” and that the certification basis used was “CS-LSA”. The Clarification E-mail, therefore, did not classify the Pipistrel as an LSA; rather, it expressly recorded its classification under the “*Normal*” category.
- 15.4. CS-LSA was a certification specification developed by EASA and that its use was not confined to aircraft falling within the LSA airworthiness category. Learned Single Judge erred in treating the words “CS-LSA” as determinative of the airworthiness classification of the aircraft, without appreciating the distinction between a certification standard and the category in which the aircraft is certified.
- 15.5. The DGCA had accepted the Type Certification granted by EASA by its Acceptance Letter under CAR Section 6, Series A, Part II. Thereafter, upon granting in-principle approval and a No-Objection Certificate for the import of the aircraft, the DGCA registered the two Pipistrel aircraft under Registration Marks VT-



DPA and VT-DPB. The DGCA subsequently issued CoAs in respect of the Pipistrel. The CoA dated 18.08.2022 issued for VT-DPA and the CoA dated 28.10.2022 issued for VT-DPB recorded the category of each aircraft as “*Normal*” and the sub-division as “*Passengers*”. The said CoAs had neither been cancelled nor revoked and continued to remain valid.

- 15.6. The ‘Normal’ and ‘LSA’ airworthiness categories were mutually exclusive. An aircraft holding a Type Certificate under Rule 49E of the Rules was issued a CoA, whereas an aircraft falling within the LSA category held a Restricted Type Certificate under Rule 49I of the Rules and was issued an SCoA in accordance with CAR Section 2, Series F, Part XXIII. Since the Pipistrel aircraft held Type Certificates and had been issued CoAs, they could not simultaneously have been treated as aircraft falling within the LSA category.
- 15.7. The DGCA could not have reclassified the Pipistrel as an LSA without first cancelling or revoking the existing CoAs and following the procedure prescribed by law for the issuance of SCoAs. The position adopted by the DGCA resulted in an situation in which the aircraft continued to hold Type Certificates and valid CoAs under the “*Normal*” category, while being denied the legal consequences ordinarily flowing from those certificates.
- 15.8. Reliance was placed upon Paragraph No. 3.4(2)(c) of CAR Section 2, Series F, Part XXIII, which excludes from the LSA category an aircraft possessing a CoA issued by a foreign civil



aviation authority. The Pipistrel possessed certification issued by EASA and, in any event, had subsequently been issued CoAs by the DGCA itself.

- 15.9. Learned Single Judge erred in holding that the Appellant was aware of the LSA classification from September, 2022. The Pipistrel did not appear against GATI's fleet in the 2022 FTO list. The Pipistrel were shown against GATI's fleet as belonging to the LSA category for the first time only in the 2023 FTO List, which was after the issuance of both CoAs recording the aircraft as falling within the "*Normal*" category.
- 15.10. EASA by its communication dated 02.08.2023, categorically clarified that the Pipistrel was a "*Normal*" category aircraft and not an LSA. Further, EASA stated that the use of CS-LSA as the certification basis ought not to give rise to any confusion regarding the aircraft's classification. EASA requested that the categorisation reflected on the DGCA's website be corrected so as to maintain consistency with the equivalence recognised under the Chicago Convention. EASA reiterated the same position in its response dated 27.05.2025 and again in its communication dated 11.09.2025.
- 15.11. The DGCA had inspected and assessed the Pipistrel, approved the relevant operational documents, endorsed the Pipistrel on the CPL of a GATI Pilot on 29.12.2023 and had earlier granted extensions of aircraft ratings on the Pipistrel. The DGCA also continued to conduct technical examinations for the issue of CPLs on the



aircraft until mid-2024. These acts were wholly inconsistent with the subsequent assertion that the aircraft had always been classified as LSAs.

- 15.12. The expression 'Light Sport Aeroplane' employed in the Communication finds no place in the Rules or in the CAR, which employ the expression 'Light Sport Aircraft'. An 'aeroplane' and an 'aircraft' are distinct in aviation parlance and cannot be used interchangeably.
- 15.13. The DGCA had proceeded on the premise that the stall speed of the aircraft was below 45 knots, as contemplated by Rule 3(33AA) of the Rules. It was contended that the DGCA had failed to distinguish between ' V_{s0} ', being the minimum controllable steady flight speed in the landing configuration, and ' V_s ', being the minimum controllable steady flight speed in the clean or specified configuration. The Pilot Operating Handbook, according to the Appellant, records the stalling speed of the Pipistrel as 53 knots.
- 15.14. No safety concern was at any point of time raised by the DGCA in respect of the Pipistrel, and learned Single Judge erred in sustaining the reclassification upon the general premise that the DGCA is an expert body entitled to reassess aircraft in the interest of safety. The position of the DGCA as an expert body does not afford it unrestricted discretion to act beyond the statutory framework.
- 15.15. The Communication was unreasoned and made no reference to the statutory provision of the Act, the Rules or the CAR under which



the alleged reclassification had been undertaken. It also did not explain the effect of the alleged reclassification on student Pilots who had already completed their training on the Pipistrel or on the validity of the CoAs issued in respect of the aircraft.

- 15.16. Further, the Communication was issued without prior notice, disclosure of the material relied upon, reasons or an opportunity of hearing. It was thereafter acted upon to reject the CPL Applications submitted by Respondent Nos. 3 to 5, although Respondent Nos. 3 to 5 had completed their flying training on aircraft which, at the relevant time, held valid CoAs issued under the “*Normal*” category.
- 15.17. The adverse consequences of the Communication were neither prospective nor merely administrative. The Communication was used as the basis for the Rejection Orders by which the CPL Applications of Respondent Nos. 3 to 5 were rejected. The effect was to deprive the student Pilots of the benefit of flying hours already completed and to adversely affect their careers.
- 15.18. Even assuming without admitting that the Pipistrel was an LSA, the existing CoAs continued to remain valid in terms of Clause 2(b) of Section ‘A’ of Schedule II to the Rules, the flying experience required for the issue of a CPL was to be acquired on an aircraft having a valid CoA. The DGCA could not, therefore, disregard the flying hours logged by Respondent Nos. 3 to 5 without first addressing the legal effect of the subsisting CoAs.



15.19. The Appellant had a legitimate expectation, founded upon the DGCA's representations and conduct, that the Pipistrel would be treated in accordance with the Type Certificate issued by EASA and the CoAs issued by the DGCA. The subsequent unilateral change in the treatment of the aircraft, without notice, reasons or hearing, was arbitrary, contrary to the statutory framework and violative of Articles 14, 19(1)(g) and 21 of the Constitution of India, 1950 ("**Constitution**").

15.20. Accordingly, the Appellant prayed that the Impugned Judgment be set aside and the present Appeal be allowed.

SUBMISSIONS ON BEHALF OF RESPONDENT NOS. 1 AND 2

16. Ms. Anjana Gosain, learned Senior Panel Counsel ("**SPC**") appearing on behalf of Respondent Nos. 1 and 2 made the following submissions:

16.1. The Impugned Judgment does not proceed on any erroneous factual premise. Learned Single Judge correctly appreciated that the Pipistrel had been treated as an LSA from the time of its type acceptance and that GATI was aware of the said position. The DGCA accepted the Type Certification granted by EASA in respect of the Pipistrel by Acceptance Letter under CAR Section 6, Series A, Part II. The Type Certification was based on the CS-LSA certification specifications recorded in EASA's TDCS.

16.2. The expression "*Normal*" appearing in the DGCA's Clarification E-mail is misplaced. The Clarification E-mail was issued in response to GATI's query regarding the certification of the Pipistrel and expressly recorded that the certification basis used



was CS-LSA. The said communication was required to be read as a whole and in the context of the TCDS and the applicable Indian regulatory framework. It could not be construed as an unconditional representation that the aircraft would be treated as a “*Normal*” category aircraft for all purposes, including the licensing requirements applicable to a CPL.

- 16.3. The DGCA’s Clarification E-mail was issued in the context of the said type-acceptance process. The reference therein to the aircraft being type certificated under the “*Normal*” Airworthiness category did not amount to an unconditional determination that the aircraft was to be treated as a “*Normal*” category aircraft for all purposes under Indian law. The same had to be read along with the reference to CS-LSA and the applicable provisions of the Rules and the CAR.
- 16.4. The issuance of CoAs dated 18.08.2022 and 28.10.2022 in respect of Pipistrel did not determine the eligibility of the aircraft for every category of flying training or the eligibility of flying hours undertaken thereon for the grant of a CPL. A CoA concerns the airworthiness of an aircraft, whereas the eligibility of flying experience for the purposes of a Pilot’s licence is governed separately by the Rules. The description of the aircraft as “*Normal*” in the said CoAs could not override the licensing requirements prescribed under Schedule II to the Rules.
- 16.5. The 2022 FTO List did not reflect either of the Pipistrel aircraft in GATI’s fleet because the relevant TPM revisions for inclusion of



the aircraft had not been approved as on the date to which the said list related. The omission of the aircraft from the said list could not be treated as a representation that the aircraft was not an LSA or that it was eligible for all purposes associated with a CPL.

- 16.6. The 2023 FTO List expressly reflected both Pipistrel aircraft in GATI's fleet as LSAs. The said list placed GATI on clear notice of the DGCA's position. GATI nevertheless continued to impart flying training on the Pipistrel for the purpose of obtaining CPLs.
- 16.7. The Communication did not introduce a new classification. It clarified the regulatory position already reflected in the 2023 FTO List and arising from the type-acceptance process, the certification basis recorded in the TCDS and the applicable provisions of the Rules and the CAR.
- 16.8. The communication dated 02.08.2023 issued by EASA could not be treated as determinative of the consequences under Indian law. EASA's description of the aircraft under the European regulatory framework did not prevent the DGCA from determining the regulatory treatment of the aircraft for purposes of Indian Pilot licensing, flying training and safety oversight.
- 16.9. The Working Arrangement executed between the DGCA and EASA did not require the DGCA to adopt every regulatory consequence asserted by the Appellant to flow from EASA's classification of the aircraft. Clause 3.2(a) provided for acceptance of an EASA Type Certificate or Restricted Type Certificate through the procedure prescribed under CAR Section 6, Series A,



Part II. Clause 5.3 dealt with compliance with the EASA type-certification basis and environmental-protection requirements. The Working Arrangement did not prevent the DGCA from applying the Rules and the CAR governing Pilot licensing and flying-training requirements. Acceptance of a foreign Type Certificate did not amount to a surrender of the DGCA's statutory responsibility to regulate civil aviation within India.

- 16.10. Article 33 of the Chicago Convention did not require the DGCA to disregard the requirements of the Rules. The recognition of a foreign certificate was subject to the domestic legal and regulatory framework.
- 16.11. The expression 'Light Sport Aeroplane' used in the EASA certification could not be considered in isolation from the applicable Indian regulatory framework. The expression used in the European certification specifications and the expression 'Light Sport Aircraft' used in the Rules and CAR had to be understood in their respective regulatory contexts. The difference in terminology did not establish that the DGCA's treatment of the Pipistrel as an LSA was unlawful.
- 16.12. The fact that an aircraft holds a Type Certificate and a CoA does not prevent the competent regulatory authority from determining whether the aircraft falls within a particular operational or licensing category under the domestic regulatory framework. The DGCA had not purported to issue a Restricted Type Certificate or an SCoA in respect of the Pipistrel, nor had it cancelled or revoked the CoAs.



- 16.13. The aircraft could not be treated as an LSA unless the existing CoAs were first cancelled or revoked proceeds on a misapprehension. The Communication did not alter the validity of the CoAs. It clarified only the licensing consequences of flying experience acquired on the Pipistrel.
- 16.14. The DGCA's earlier conduct, including its issuance of CoAs, approval of the maintenance plan and TPM revisions, grant of FTO approval and endorsement of the Pipistrel on the CPL of one GATI pilot, could not operate as an estoppel against the DGCA. No administrative act could confer a right contrary to the Rules or prevent the DGCA from correcting an earlier error or clarifying the applicable regulatory position.
- 16.15. The endorsement of the Pipistrel on the CPL of one GATI pilot on 29.12.2023 was likewise incapable of creating a vested right. An erroneous administrative action could not compel the DGCA to perpetuate an incorrect position.
- 16.16. The DGCA's consideration of the aircraft's stall speed characteristics was a technical exercise falling within its specialised domain. The distinction between 'V_{s0}' and 'V_s', by itself, did not demonstrate that the DGCA had acted without jurisdiction or in breach of the Rules.
- 16.17. Clause (e) of sub-rule (1) of Section 'J' of Schedule II to the Rules requires a minimum of 200 hours of flying experience on aeroplanes for the grant of a CPL. Upon scrutiny of the CPL Applications submitted by Respondent Nos. 3 to 5, the DGCA



found that a substantial part of the claimed flying experience, exceeding 90 hours in each case, had been acquired on the Pipistrel, which was treated as falling within the LSA category. The CPL Applications of Respondent Nos. 3 to 5 were accordingly rejected for failure to satisfy the prescribed aeroplane-flying experience requirement. The rejection was not based merely on the nomenclature used in the Communication but on the application of the licensing requirements to the flying experience actually claimed by Respondent Nos. 3 to 5.

- 16.18. The Rules recognise the use of LSAs for specified licensing purposes. Paragraph 1(e)(v) of Section 'E' of Schedule II permits solo flight time completed on an LSA, within the prescribed period and subject to a maximum of 20 hours, to be counted towards the experience required for a Private Pilot's Licence (Aeroplanes). The Rules also provide for a separate Pilot's Licence (Light Sport Aircraft) under Section 'IA' of Schedule II.
- 16.19. The Communication was issued after GATI had made repeated representations to the DGCA and the MCA. GATI had participated in meetings with DGCA Officials, furnished documents and placed its objections before the authorities. The issues raised by GATI were also considered by an Expert Committee, which recorded its opinion on 10.01.2024. The Communication was neither vague nor unreasoned in the context in which it was issued. It was issued in response to GATI's objections to the 2023 FTO List and clarified the regulatory



consequences applicable to the Pipistrel. The fact that the Communication did not accept GATI's position did not render it arbitrary. The Communication did not operate retrospectively. It did not cancel the training undertaken by the student Pilots, withdraw any licence already granted or revoke the CoAs. It only clarified the extent to which the flying experience claimed in the CPL Applications could be reckoned under Schedule II to the Rules.

- 16.20. The DGCA, being the statutory authority entrusted with the regulation and safety oversight of civil aviation, was entitled to revisit and clarify the regulatory treatment of an aircraft on the basis of technical material, operational experience and information available to it. Its status as an expert body did not prevent it from correcting an earlier administrative position.
- 16.21. The DGCA had not acted in *mala fide* or with any intention to prejudice GATI or the student Pilots. The Communication was issued in the discharge of its statutory functions and was intended to ensure compliance with the regulatory requirements governing aircraft classification, flying training and pilot licensing. The fact that the Communication was issued by the DFT did not render it without jurisdiction. The Communication was issued on behalf of the DGCA in the context of GATI's approval as an FTO, the composition of its fleet and the regulatory consequences of using the Pipistrel for flying training. No provision had been identified which barred the DFT from communicating the DGCA's position on the issue.



16.22. Learned Single Judge correctly recognised that the determination of the applicable aircraft category, the relevant stall speed parameters, the nature of flying experience required for the grant of a CPL and the safety consequences of permitting such experience to be counted involved technical and specialised questions falling within the domain of the DGCA. In the absence of a clear showing that the DGCA's decision was manifestly arbitrary, perverse or contrary to the statutory framework, judicial interference was unwarranted. The Appellant had failed to establish any such infirmity in the Communication or the Rejection Orders.

16.23. Accordingly, the Impugned Judgment correctly declined to interfere with the Communication and the Rejection Orders.

Therefore, the present Appeal is liable to be dismissed.

ANALYSIS AND FINDINGS

17. We have heard learned Senior Counsel appearing on behalf of the Appellant and learned SPC appearing on behalf of Respondent Nos. 1 and 2 as well as perused the material placed on record.

18. At the outset, we may observe that this Appeal raises two central issues for our determination:

- I. Whether the DGCA was justified in classifying the Pipistrel as an LSA *vide* the Communication?
- II. Whether the flying experience acquired by Respondent Nos. 3 to 5 on the Pipistrel could be counted towards the 200-hour aeroplane-experience requirement for grant of a CPL under Schedule II to the Rules, notwithstanding the validity of the CoAs?



ISSUE NO. I: WHETHER THE DGCA WAS JUSTIFIED IN CLASSIFYING THE PIPISTREL AS AN LSA VIDE THE COMMUNICATION?

19. At the outset, it is necessary to consider the distinction sought to be drawn by learned Senior Counsel for the Appellant between the ‘certification basis’ applied by EASA and the ‘airworthiness category’ assigned to the Pipistrel. It is undisputed that the TCDS records CS-LSA as the certification specification employed by EASA while granting Type Certification to the aircraft. The submission that CS-LSA is merely a technical certification standard unrelated to the operational classification of the aircraft is untenable.

20. EASA’s communication dated 02.08.2023 describes the Pipistrel as a “*Normal*” category aircraft under the European regulatory framework. That description, however, does not detract from the fact that CS-LSA remains the certification specification recorded in the TCDS. In accepting the Type Certification under CAR Section 6, Series A, Part II, the DGCA was entitled to take into account the certification basis recorded in the TCDS. It was this certification basis, rather than the description of the aircraft as “*Normal*” in the aforesaid communication, which the DGCA was entitled to consider while determining the regulatory consequences under the domestic licensing framework. We are, therefore, unable to accept the Appellant’s contention that the DGCA was precluded from treating CS-LSA as relevant for determining how flying experience acquired on the Pipistrel was to be reckoned under the Rules.

21. The reliance placed by the Appellant on the CoAs dated 18.08.2022 and 28.10.2022 does not advance its case. A CoA concerns the airworthiness



of an aircraft, namely its fitness to operate safely. It is distinct from the question whether flying experience acquired on that aircraft may be reckoned for the purposes of obtaining a Pilot's licence, which is governed independently by Schedule II to the Rules. The DGCA has neither cancelled nor revoked the CoAs issued in respect of VT-DPA and VT-DPB, nor has it purported to replace them with a Restricted Type Certificate or an SCoA. Accordingly, the procedural safeguards applicable to cancellation or revocation of a CoA, or to issuance of an SCoA, were not attracted, since the Communication did not make any such change.

22. As regards Paragraph 3.4(2)(c) of CAR Section 2, Series F, Part XXIII, the said provision, on a plain reading, excludes from the LSA category only an aircraft possessing a CoA issued by a foreign civil aviation authority. It does not extend to an aircraft holding a CoA issued domestically by the DGCA. The said provision, therefore, is of no assistance to the Appellant. We accordingly find no merit in the contention that the "*Normal*" and "*LSA*" categories are mutually exclusive for all purposes, or that the subsistence of the CoAs precluded the DGCA from applying the licensing consequences arising from the CS-LSA certification basis to the flying experience claimed by Respondent Nos. 3 to 5.

23. We are also unable to accept the submission that GATI became aware of the LSA classification only upon publication of the 2023 FTO List. The Clarification E-mail addressed to GATI expressly disclosed that the applicable certification basis was CS-LSA. GATI, being an FTO operating in a specialised and regulated field, cannot plausibly contend that the significance of the certification basis so communicated was unknown to it. In



any event, the 2023 FTO List, published on 26.05.2023, identified both Pipistrel aircraft forming part of GATI's fleet as LSAs. This was several months prior to the issuance of the Communication and the Rejection Orders. The omission of the aircraft from the 2022 FTO List, which Respondent Nos. 1 and 2 attribute to the pendency of the relevant TPM revisions, cannot be construed as an affirmative representation that the aircraft fell, or would continue to fall, outside the LSA category. After publication of the 2023 FTO List, GATI corresponded with the DGCA and the MCA while continuing to impart flying training on the Pipistrel for the stated purpose of CPL qualification. The Appellant cannot, therefore, contend that it acted throughout in ignorance of the DGCA's position.

24. We find no merit in the submission that the communications issued by EASA on 02.08.2023 and 27.05.2025, or the Working Arrangement, obliged the DGCA to treat the Pipistrel as a "*Normal*" category aircraft for domestic licensing purposes. EASA's description of the aircraft under the European regulatory framework, however categorical, governs the position under that framework and does not bind the DGCA in the exercise of its independent statutory functions under the Act, the Rules and the CAR.

25. Clause 3.2(a) of the Working Arrangement provides for acceptance of an EASA Type Certificate through issuance of a Letter of Type Acceptance. Clause 5.3 of the Working Arrangement confines itself to compliance with the certification basis and environmental protection requirements. Neither provision purports to regulate or restrict the DGCA's licensing functions under Schedule II to the Rules. Any such interpretation would impermissibly enlarge the scope of the Working Arrangement.



26. Article 33 of the Chicago Convention, which contemplates recognition of certificates of airworthiness issued by other contracting States, does not require a contracting State to suspend or disregard its domestic regulatory framework governing the licensing of Pilots. The distinction in nomenclature between “Light Sport *Aeroplane*” as used in the European specifications and “Light Sport *Aircraft*” as used in the Rules and the CAR is, in the present context, one of terminology and not of substance. It does not, therefore, establish that the DGCA’s classification was contrary to law.

27. The Appellant’s further submission that the DGCA was estopped, by reason of its prior conduct, from applying the LSA classification is equally devoid of merit. The conduct relied upon includes approval of the maintenance plan, approval of successive TPM revisions, grant of FTO status, extension of aircraft ratings and endorsement of the Pipistrel on the CPL of one GATI Pilot on 29.12.2023. It is well settled that there can be no estoppel against the exercise of a statutory function. An erroneous or inadvertent administrative act cannot create a vested right compelling the authority to perpetuate such error, particularly in matters concerning public safety and licensing standards. The endorsement of the Pipistrel on the CPL of one Pilot, made during the pendency of an ongoing and unresolved dispute on the very issue in question, cannot be treated as a considered or binding determination in respect of the CPL Applications submitted by Respondent Nos. 3 to 5. The said Applications were required to be examined on their own merits.

28. We are also unable to sustain the challenge based on the distinction between ‘ V_{s0} ’ and ‘ V_s ’ and the stall speed recorded in the Pilot Operating Handbook. The determination of the applicable stall speed parameter for the



purposes of Rule 3(33AA) is a technical matter falling squarely within the specialised domain of the DGCA. The material placed on record does not establish that the parameter adopted by the DGCA was perverse, *mala fide*, or vitiated by an error apparent on the face of the record. In the absence of such a finding, this Court, exercising appellate jurisdiction in a writ proceeding, would not be justified in substituting its own assessment of a technical airworthiness parameter for that of the expert regulatory authority.

29. The challenge based on an alleged violation of the principles of natural justice is devoid of merit. The Communication was not issued without prior notice or in isolation. It followed an extended exchange that commenced with GATI's objection dated 04.07.2023 to the 2023 FTO List, continued through correspondence with several Directorates of the DGCA and the MCA, and included a meeting with DGCA officials on 27.12.2023. The process culminated in the report of an Expert Committee dated 10.01.2024. At each stage, GATI had the opportunity to place its objections, factual position and legal submissions before the DGCA. Those objections were considered before the Communication was issued. In these circumstances, it cannot be said that GATI was denied notice or an opportunity of hearing. The Communication was, in substance, the DGCA's response to the objections raised by GATI itself.

30. The plea that the Appellant's legitimate expectation, allegedly arising from the Clarification E-mail and the DGCA's subsequent conduct, was defeated in violation of Articles 14, 19(1)(g) and 21 of the Constitution is also untenable. Even where a legitimate expectation is established, it cannot fetter the duty of a regulatory authority to correctly apply licensing and safety



standards. Such expectation must yield to the public interest underlying the regulatory framework, particularly where the competence of prospective commercial Pilots is concerned. The Appellant has not established any discriminatory or arbitrary treatment under Article 14 of the Constitution. The classification was based on the certification basis recorded in the TCDS and was applied in accordance with the applicable regulatory framework. Articles 19(1)(g) and 21 of the Constitution are likewise not independently attracted in the absence of any established arbitrariness.

31. Finally, the power exercised by the DGCA under Section 5A of the Act to classify and periodically reassess aircraft is entrusted to it as the expert statutory regulator of civil aviation safety. The determination of the applicable certification basis and the regulatory consequences flowing therefrom involve technical and specialised considerations. Interference by this Court would be warranted only if the decision were shown to be manifestly arbitrary, perverse, *mala fide* or contrary to the statutory framework. No such infirmity has been demonstrated in the present case.

32. For the aforesaid reasons, we are of the view that the DGCA was justified in classifying the Pipistrel as an LSA by the Communication.

ISSUE NO. II: WHETHER FLYING EXPERIENCE ON THE PIPISTREL COULD BE COUNTED FOR GRANT OF CPL?

33. As regards the validity of the Rejection Orders, under Section 'J' of Schedule II to the Rules, an applicant seeking grant of a CPL is required to establish 200 hours of flying experience on aeroplanes.

34. It is not in dispute that more than 90 hours of the flying experience claimed by each of Respondent Nos. 3 to 5 was acquired on the Pipistrel. Once



the Pipistrel is treated as an LSA for the reasons recorded hereinabove, such experience cannot be reckoned towards the 200-hour aeroplane-experience requirement for grant of a CPL.

35. The only limited exception is contained in Paragraph No. 1(e)(v) of Section 'E' of Schedule II, which permits a maximum of 20 hours of solo flying experience on an LSA to be reckoned towards the requirements for a Private Pilot Licence, and not towards a CPL. The subsistence of the CoAs does not alter this position. Clause 2(b) of Section 'A' of Schedule II requires flying experience to be acquired on an aircraft holding a valid CoA. The said requirement relates to the airworthiness of the aircraft on which such experience is acquired; it does not convert flying experience acquired on an LSA into aeroplane experience reckonable for the purposes of grant of a CPL.

36. Consequently, Respondent Nos. 3 to 5 did not possess the requisite 200 hours of reckonable aeroplane flying experience. The Rejection Orders, being founded on the said shortfall, do not suffer from any legal infirmity.

CONCLUSION

37. In view of the above analysis, the classification of the Pipistrel as an LSA by virtue of the Communication, as well as the Rejection Orders founded thereon, are legally sustainable.

38. Learned Single Judge has correctly declined to interfere with the Communication and the Rejection Orders. The Impugned Judgment does not disclose any error warranting interference in the present *intra court* Appeal.

39. Since the termination of the LDO Agreement by notice dated 03.10.2025 is the subject matter of separate proceedings instituted by the Appellant, we clarify that nothing contained in this Judgment shall be



construed as an expression of opinion on the merits of the said proceedings, which shall be decided independently and uninfluenced by any observation made hereinabove.

40. In view of the foregoing, we find no infirmity in the Impugned Judgment dated 26.07.2024 so as to warrant interference. The present Appeal is, accordingly, dismissed. The pending Applications stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 3, 2026/*N*